

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

STATE FARM LIFE INSURANCE
COMPANY,

Plaintiff,

v.

CHARA-LETTE DENSMORE, Individually
and as Parent and Next Friend of W.D., a
Minor; and

JANICE WRIGHT, as Guardian and Next
Friend of J.D., a Minor

Defendants.

Case No. CIV-23-10-RAW-GLJ

ORDER

Before the court is the Motion for Summary Judgment filed by Janice Wright, as Guardian and Next Friend of J.D., a Minor [Docket No. 43] and the United States Magistrate Judge Jackson's Report and Recommendation ("R&R") [Docket No. 44]. This case was referred to Magistrate Judge Jackson for all pretrial and discovery matters, including dispositive motions, pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72 and 73.

Ms. Wright filed her Motion for Summary Judgment on June 23, 2023 [Docket No. 43] and Ms. Densmore's response was due July 7, 2023. Ms. Densmore has not filed a response, nor sought leave to extend the time to file her response or subsequently provide a basis for finding any excusable neglect for the late filing. *See* Fed. R. Civ. P. 60(b)(1). Ms. Densmore did not file a response or controvert any of the statements of undisputed facts in Ms. Wright's Motion. Therefore, Ms. Densmore waived her right to respond to the motion and all material facts asserted in the motion as accepted as true. *See* Fed. R. Civ. P. 56(a).

Upon consideration of the motion, the briefing, and the record, the Magistrate Judge issued the R&R on August 7, 2023, recommending that Defendant Wright's Motion for Summary Judgment be GRANTED and that Janice Wright, as Guardian and Next Friend of J.D., a minor, be awarded the following: the funds deposited with the court in the amount of \$101,979.28, plus interest, be awarded to Ms. Wright as Guardian and Next Friend of J.D. Ms. Wright's counterclaim should be dismissed. Any objections to the R&R were to be filed within fourteen days. No objections have been filed.

The court finds that the R&R is well-supported by the evidence and the prevailing legal authority. Accordingly, the R&R [Docket No. 44] is hereby AFFIRMED and ADOPTED as this court's Findings and Order. Plaintiff's Motion for Summary Judgment [Docket No. 43] is hereby GRANTED and damages are awarded as specified above. Mrs. Wright's counterclaim is hereby dismissed.

IT IS SO ORDERED this 24th day of October, 2023.



**THE HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA**